

F#: 2006R0  
JAP:JEG

**M06-1271**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

ROHAN ELLIS, also known as,  
"Bubba,"

Defendant.

SEALED COMPLAINT AND  
AFFIDAVIT IN SUPPORT  
OF ARREST WARRANT

(21 U.S.C. § 841(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

ROBERT FOY, being duly sworn, deposes and says, that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), being appointed according to law and acting as such.

Upon information and belief, on or about July 21, 2004 and August 5, 2004, both dates being approximate and inclusive, within the Eastern district of New York, the defendant Rohan Ellis did knowingly and intentionally distribute and possess with intent to distribute five grams or more of a substance containing cocaine base, a Schedule II narcotic controlled substance, in violation of Section 841(a)(1) of Title 21 of the United States Code.

(Title 21, United States Code, Section 841(a)(1))

The source of my information and the grounds for my belief are as follows:

1. I have been a Special Agent with the FBI for approximately seven years. In the course of my tenure with the

FBI, I have been involved in numerous narcotics investigations and prosecutions. In the course of those and other investigations, I have conducted physical surveillance, supervised or participated in undercover transactions, executed search warrants, debriefed cooperating defendants and confidential informants, reviewed taped conversations and narcotics records, and secured other relevant information using other investigative techniques.

2. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation, (b) reports made to me by other law enforcement authorities, (c) information obtained from confidential sources of information, (d) surveillance conducted by the FBI and reports of physical surveillance conducted by others, (e) reviewing the audio and video recordings.

3. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the arrest of the above-specified defendant, I have not set forth each and every fact learned during the course of this investigation. Instead, I have set forth only those facts which I believe are necessary to establish probable cause for the arrest.

4. On or about July 21, 2004, a Confidential Witnesses (hereinafter "CW"), working in an undercover capacity

at the direction of the FBI, went to a restaurant known as "The Jerk Hut," located at 884 Rutland Road in Brooklyn to purchase 2 "8-balls"<sup>1/</sup> of crack-cocaine from the defendant, ROHAN ELLIS. The CW was provided with an audio/video recorder to record the conversation. Upon entering the Jerk Hut, the CW was informed by another individual that the defendant was at the apartment attached to the Jerk Hut. The CW rang the doorbell and was invited in where he was met by the defendant. The defendant handed the CW approximately 2 8-balls of crack-cocaine in exchange for \$260. The substance provided to the CW on July 21, 2004, later tested positive for approximately 7 grams of cocaine base.

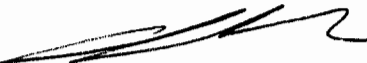
5. On or about August 5, 2004, CW and another Confidential Witness (hereinafter "CW2") were both working in an undercover capacity at the direction of the FBI. CW called the Jerk Hut and informed an individual who answered the telephone that he was looking to purchase one 8-ball of crack-cocaine. The individual informed the CW to come to the Jerk Hut to pick up the drugs. The CW was provided with an audio/video recorder to record the conversation, and CW and CW2 proceeded to the Jerk Hut. Upon arrival at the Jerk Hut, the defendant entered CW's vehicle and instructed CW to drive to the vicinity of East 96th Street and Rutland Road. Upon arriving, CW paid the defendant \$125. The defendant left the vehicle, returned a short period

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<sup>1/</sup> An "8-ball" is a term which commonly refers to 1/8 of an ounce, or 3.5 grams, of narcotics.

later and provided CW2 with one 8-ball of crack cocaine. The substance provided to CW2 on August 5, 2004, later tested positive for approximately 3 grams of cocaine base.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant Rohan Ellis so that he may be dealt with according to law.



ROBERT FOY,  
Special Agent  
FBI

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THE H ~~OLD~~  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK